

to say is overwhelmingly unpopular with a majority of American citizens. Simply put, protecting the flag from desecration poses no serious threat to the exercise of free speech in America.

We must also remember that this constitutional amendment is carefully drafted to simply allow the Congress and individual State legislatures to enact laws prohibiting the physical desecration of the flag, if they so choose. It certainly does not stipulate or require that such laws be enacted, although many States and the Federal Government have already demonstrated widespread support for doing so. In fact, prior to the Supreme Court's rulings on this issue, 48 States, including my own State of Maine, and the Federal Government has anti-flag-burning laws on their books for years. So really what we do with this resolution is give the American flag the protection that almost all the States, the Federal Government, and a large majority of the American people have already endorsed.

Protecting the flag also enjoys widespread support in Congress. During the 104th Congress, the House of Representatives overwhelmingly passed a flag protection resolution, and 63 Senators supported a resolution identical to this one. Just last year, the House or Representatives, to its credit, reaffirmed its commitment to the sanctity of the American flag by once again passing a flag protection resolution with ease. Now it is time for the Senate to show a similar commitment.

Whether our flag is flying over Fenway Park, a military base, a school, or on a flag pole on Main Street, the stars and stripes have always represented the ideals and values that are the foundation of this great Nation. Our flag has come to not only represent the pride we have for our Nation's past glories, but also to stand for the hope we all harbor for our Nation's future. Mr. President, it is with this pride and hope that I urge my colleagues to support this amendment.

PAYMENT OF AN EQUITABLE CLAIM TO DR. BEATRICE BRAUDE

• Mr. MOYNIHAN. Mr. President, I rise today with good news. We have at long last seen a measure of justice in a case which brings back memories of an awful time in our nation's history.

In 1953 Dr. Beatrice Braude, a linguist, was wrongfully dismissed from her position at the United States Information Agency and was subsequently blacklisted by the Federal government as a result of accusations of disloyalty to the United States. The accusations were old. Two years earlier the State Department's Loyalty Security Board had investigated and unanimously voted to dismiss them. The Board sent a letter to Dr. Braude stating "there is no reasonable doubt as to your loyalty to the United States Government or as to your security risk to the Department of State." Despite this, her name was not cleared.

Dr. Braude was terminated one day after being praised for her work and informed that she would probably be promoted. She was told that her termination was due to budgetary constraints, but the truth was that she was selected for termination because of the old—and answered—charges against her. Because she did not know the real reason for her dismissal, she was denied certain procedural rights, including the right to request a hearing.

Over time she grew suspicious. When she was unable, over the course of several years, to secure employment anywhere else in the Federal government—even in a typing pool despite a perfect score on the typing test—she became convinced that she had been blacklisted. The Privacy Act of 1974 enabled her to obtain her government files and confirm her suspicions. She invested much time and energy fighting to regain Federal employment and restore her reputation. She was partially successful. In 1982, at the age of 69, she was hired as a language instructor in the CIA. Sadly, she still had not been able to clear her name by the time of her death in 1988. The irony of the charges against Dr. Braude is that she was an anti-communist, having witnessed first-hand Communist-sponsored terrorism in Europe while she was an assistant cultural affairs officer in Paris and, for a brief period, an exchange officer in Bonn during the late 1940's and early 1950's.

Mr. President, I have reviewed the charges against Dr. Braude before on the floor of the Senate, but I think that they merit repeating because they are illustrative of that dark era and are instructive to us even today. There were a total of four charges. First, she was briefly a member of the Washington Book Shop on Farragut Square that the Attorney General later labeled subversive. Second, she had been in contact with Mary Jane Keeney, a Communist Party activist employed at the United Nations. Third, she had been a member of the State Department unit of the Communist-dominated Federal Workers' Union. Fourth, she was an acquaintance of Judith Coplon.

With regard to the first charge, Dr. Braude had indeed joined the Book Shop shortly after her arrival in Washington in 1943. She was eager to meet congenial new people and a friend recommended the Book Shop, which hosted music recitals in the evenings. I must express some sensitivity here: my F.B.I. records report that I was observed several times at a "leftist musical review" in suburban Hampstead while I was attending the London School of Economics on a Fulbright Fellowship.

Dr. Braude was aware of the undercurrent of sympathy with the Russian cause at the Book Shop, but her membership paralleled a time of close U.S.-Soviet collaboration. She drifted away from the Book Shop in 1944 because of

her distaste for the internal politics of other active members. Her membership at the Book Shop was only discovered when her name appeared on a list of delinquent dues. It appears that her most sinister crime while a member of the book shop was her failure to return a book on time.

Dr. Braude met Mary Jane Keeney on behalf of a third woman who actively aided Nazi victims after the war and was anxious to send clothing to another woman in occupied Germany. Dr. Braude knew nothing of Keeney's political orientation and characterized the meeting as a transitory experience.

With regard to the third charge, Dr. Braude, in response to an interrogatory from the State Department's Loyalty Security Board, argued that she belonged to an anti-Communist faction of the State Department unit of the Federal Workers' Union.

Remember that the Loyalty Security Board investigated these charges and exonerated her.

The fourth charge, which Dr. Braude certainly did not—or could not—deny, was her friendship with Judith Coplon. Braude met Coplon in the summer of 1945 when both women attended a class Herbert Marcuse taught at American University. They saw each other infrequently thereafter. In May 1948, Coplon wrote to Braude, then stationed in Paris and living in a hotel on the Left Bank, to announce that she would be visiting shortly and needed a place to stay. Dr. Braude arranged for Coplon to stay at the hotel. Coplon stayed for 6 weeks, during which time Dr. Braude found her behavior very trying. The two parted on unfriendly terms. The friendship they had prior to parting was purely social.

Mr. President, Judith Coplon was a spy. She worked in the Justice Department's Foreign Agents Registration Division, an office integral to the FBI's counter-intelligence efforts. She was arrested early in 1949 while handing over notes on counterintelligence operations to Soviet citizen Valentine Gubitchev, a United Nations employee. Coplon was tried and convicted—there was no doubt of her guilt—but the conviction was overturned on a technicality. Gubitchev was also convicted but was allowed to return to the U.S.S.R. because of his quasi-diplomatic status.

Judith Coplon was a spy. Beatrice Braude was not. We know that Judith Coplon was not alone as a Soviet spy; though there were not as many as one might have imagined given the American response. In 1956, Edward A. Shils captured the overreaction to Communist activities in the United States in his fine, small study, *The Torment of Secrecy: The Background and Consequences of American Security Policy*. "The American visage began to cloud over," Shils wrote. "Secrets were to become our chief reliance just when it was becoming more and more evident that the Soviet Union had long maintained an active apparatus for espionage in the United States. For a

country which had never previously thought of itself as an object of systematic espionage by foreign powers, it was unsettling."

The larger society, Shils continued, was "facing an unprecedented threat to its continuance." In these circumstances, "The fantasies of apocalyptic visionaries * * * claimed the respectability of being a reasonable interpretation of the real situation." A culture of secrecy took hold within American government, while a hugely divisive debate raged in the Congress and the press.

The public now divided. There were those who perceived of treason on every hand, and so we witnessed the spectacle of Senator Joseph McCarthy making such accusations of George C. Marshall. Charges and counter-charges of Communist conspiracies proliferated.

A balanced history of this period is now beginning to appear, but at the time, the American government and the American public was confronted with possibilities and charges, at once baffling and terrifying. A fault line appeared in American society that contributed to more than one political crisis in the years that followed.

The first fact is that a significant Communist conspiracy was in place in Washington, New York, and Los Angeles, but in the main those involved systematically denied their involvement. This was the mode of Communist conspiracy the world over.

The second fact is that many of those who came to prominence denouncing Communist conspiracy, accusing suspected Communists and "comsymps," clearly knew little or nothing of such matters. And in many instances, just as clearly were not in the least concerned. And so while there were spies like Coplon who were caught, there were also innocent people who, having been accused, were unable to remove the stain. Dr. Braude is one such.

My involvement in Dr. Braude's case dates back to early 1979, when she came to me and my colleague at the time, Senator Javits, and asked us to introduce private relief legislation on her behalf. In 1974, after filing a Freedom of Information Act request and finally learning the true reason for her dismissal, she filed suit in the Court of Claims to clear her name and seek reinstatement and monetary damages for the time she was prevented from working for the Federal government. The Court, however, dismissed her case on the grounds that the statute of limitations had expired. On March 5, 1979, Senator Javits and I together introduced a bill, S. 546, to waive the statute of limitations on Dr. Braude's case against the U.S. government and to allow the Court of Claims to render judgment on her claim. The bill passed the Senate on January 30, 1980. Unfortunately, the House failed to take action on the bill before the 96th Congress adjourned.

In 1988, and again in 1990, 1991, and 1993, Senator D'AMATO and I re-intro-

duced similar legislation on Dr. Braude's behalf. Our attempts met with repeated failure. Until at last, on September 21, 1993, we secured passage of Senate Resolution 102, which referred S. 840, the bill we introduced for the relief of the estate of Dr. Braude, to the Court of Claims for consideration as a congressional reference action. The measure compelled the Court to determine the facts underlying Dr. Braude's claim and to report back to Congress on its findings.

The Court held a hearing in November 1995 and on March 7, 1996 Judge Roger B. Andewelt issued his verdict that the USIA had wrongfully dismissed Dr. Braude and intentionally concealed the reason for her termination. He concluded that such actions constituted an equitable claim for which compensation was due. Forty-three years after her dismissal from the USIA and 8 years after her death, the Court found in favor of the estate of Dr. Braude.

Justice Department attorneys reached a settlement with lawyers representing Dr. Braude's estate concerning the monetary damages. In due time, \$200,000 in damages were appropriated by Congress.

I am happy to report that Beatrice Braude's estate has just received a check from the Department of Justice. Fully forty-five years after her wrongful dismissal and ten years after her death, Beatrice Braude's reputation has been restored and the United States government has paid her estate for the damages it inflicted during a dark period of our history. The money will be donated to Hunter College, the institution from which Dr. Braude received her bachelor's degree. Happily, students at Hunter College are now learning a more balanced history of the Cold War. We are now not in the least concerned about the infiltration of the government by ideological enemies. With the end of the Cold War we are able to learn much more of the facts of the Communist threats we faced. Our response to that threat was certainly mixed and I am pleased that we have been able to set the matter of Beatrice Braude to right.

Senator D'AMATO and I wish to express our profound gratitude to Joan L. Kutcher and Christopher N. Sipes of Covington & Burling, two of the many lawyers who have handled Dr. Braude's case on a pro bono basis over the years. It is thanks to their tireless dedication that history has been made and Dr. Braude's name has been cleared.

I ask that an article appearing in the January 26, 1998 issue of the Washington Post, "45 Years Later, U.S. Pays Up," be printed in the RECORD.

The article follows:

[From the Washington Post, Jan. 26, 1998]

UPDATE ON THE NEWS

(By Cindy Loose)

45 YEARS LATER, U.S. PAYS UP

It has taken awhile for the \$200,000 U.S. government check for Beatrice "Bibi" Braude to show up—45 years, reckoned from

the time she was fired from the United States Information Agency, where she translated French newspapers.

It has been 23 years since the Freedom of Information Act opened government files and she was able to confirm her suspicions: that the Office of Security recommended that she be fired, citing a report from an FBI informant that Braude was in contact with a communist in November 1946 and that she had visited a leftist book store.

A decade has passed since Braude died at the age of 75. Most of the government officials involved in her firing are also dead.

Braude was among 1,500 federal employees dismissed for similar associations and accusations from 1953 to 1956, and 6,000 others resigned under pressure of security and loyalty inquiries, according to experts. No one, however, fought back as long and as hard as Braude.

A lawsuit she filed bounced around various courts for years until the U.S. Claims Court ruled that the statute of limitations had run out. She then persuaded New York Sens. Daniel Patrick Moynihan (D) and Alfonse D'Amato (R) to sponsor legislation that mandated review of the case by the U.S. Court of Federal Claims.

The Justice Department fought the case, saying that the government should not be judged by today's standards and that perhaps Braude had failed to find employment for years because she was a woman, and over age 40.

However, Judge Roger B. Andewelt ruled about two years ago that Braude was a loyal American who had been unlawfully persecuted and that she had an "equitable claim" based on tort law, which recognizes moral wrongdoing. He ordered the Justice Department to negotiate an award with attorneys from Covington and Burling, a D.C. law firm that continued to fight Braude's case pro bono after her death.

The lawyers settled on \$200,000, and in November, Congress approved the funds as part of a spending bill for the Justice Department. Braude's brother, 79-year-old Theodore Braude, said he was told last week that the check to be paid to Braude's estate is in the mail.

"Immediately on receipt it will be copied and framed," Braude said. "The most important thing is that her name was cleared, that the government admitted an injustice. That makes a whole lot of us feel better."•

TRIBUTE TO THE BOY SCOUTS OF AMERICA ON THE OCCASION OF THE 88TH ANNIVERSARY OF ITS FOUNDING

• Mr. GRAMS. Mr. President, I rise today to pay tribute to the Boy Scouts of America (BSA) on the occasion of the 88th Anniversary of its founding on February 8, 1998.

At the turn of the century in England, Robert Baden-Powell, an outdoor enthusiast and a veteran of the British Army's campaigns in Africa, published a nature skills book intended for young people to expose them to the rewards offered by a working knowledge of nature. The book was titled "Scouting for Boys" and was based on survival manuals Baden-Powell authored during his military career. Shortly after the book's publication, Baden-Powell led a group of 22 boys on a scouting exhibition on Brownsea Island, off the coast of England, for the purpose of applying the principles contained in the book.